

**ENTERED**

January 31, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

PAUL STINGGERS III,

Plaintiff,

v.

BANK OF AMERICA,

Defendant.

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CIVIL ACTION NO. 2:19-CV-247

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

Before the Court is Magistrate Judge Jason B. Libby's Memorandum and Recommendation (M&R), entered on January 3, 2020. (D.E. 27). The M&R recommends that the Court grant Defendant's motion to dismiss (D.E. 11), deny Plaintiff's motion for summary judgment (D.E. 16), and dismiss the case.

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No timely objection has been filed. When no timely objection has been filed, the district court need only determine whether the magistrate judge's memorandum and recommendation is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at \*1 (S.D. Tex. June 18, 2015).

Having carefully reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding

that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 27). Accordingly, Defendant's motion to dismiss (D.E. 11) is **GRANTED**, and Plaintiff's motion for summary judgment (D.E. 16) is **DENIED**. The Clerk of Court is **DIRECTED** to close this case.

SIGNED and ORDERED this 31<sup>st</sup> day of January 2020.



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DAVID S. MORALES  
UNITED STATES DISTRICT JUDGE